

ORDINANCE NO. 2179

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT ON CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, a Conditional Use Permit is issued on lands legally described as follows:

CASE NO. CUP-05-04

The operation of a Sanitary Sewer Lift Station in an A, Agricultural District, located at 16555 S. Gardner Road, subject to the following conditions:

- a) The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b) The subject property shall be final platted.
- c) All improvements in this site plan, including buildings, paved areas and fencing, shall be located a minimum of 65 feet from the section line or ultimate center line of Gardner Road. All site improvements along Gardner Road shall be set back a minimum of fifteen feet from the ultimate right-of-way.
- d) Fencing shall be of black powder-coated chain link or wrought iron, at minimum, along the west and south sides of the project area

Legal Description: Part of the Southwest Quarter of Section 13, Township 14 South, Range 22 East, Johnson County, Kansas: Commencing at the Southwest corner of said Southwest Quarter; thence North 01°58'27" West, 1235.00 feet; thence North 88°26'39" East, 33.00 feet to a point on the Easterly right-of-way of Gardner Road as now established, said point also being the POINT OF BEGINNING; thence North 01°58'27" West along Easterly right-of-way, 209.22 feet; thence North 88°01'33" East along said Easterly right-of-way, 22.00 feet; thence continuing North 88°01'33" East, 174.80 feet; thence South 21°56'26" East, 199.63 feet; thence South 08°11'27" East, 235.09 feet; thence South 88°26'39" West, 290.44 feet to the right-of-way of Gardner Road as now established; thence North 01°58'27" West along Easterly right-of-way, 210.00 feet to point of beginning, containing 2.48 acres more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above conditional use permit shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION THREE: That this Ordinance shall take effect and be in force for an indefinite period of time from and after its adoption by the City Council and publication in the official City Newspaper.

SECTION FOUR: That this area lies within the Airport Interest Area, and pursuant to K.S.A. 3-307e, the conditional use permit must have the approval of the Board of County Commissioners of Johnson County, Kansas.

PASSED and APPROVED this 5th day of December, 2005.

Carol Lehman, Mayor

ATTEST:

Gwen Scott, City Clerk

(SEAL)